



## SUPPLEMENTAL PROCEDURES CONSTRUCTION & PLANNING OFFICE PRAIRIE VIEW A&M UNIVERSITY

### ARTICLE XIII - CONTRACT PROCUREMENT PROCESS

Effective September 01, 1997, the 75<sup>th</sup> Texas Legislature authorized institutions of higher education to utilize several additional methods for procurement of construction contracts. The 76<sup>th</sup> Legislature, in 1999, amended the provisions of the original statute. The five available contracting methods are:

The provisions are found in Sections 51.776 through 51.784, Texas Education Code:

- 1) Competitive Sealed Proposals
- 2) Construction Manager - Agent (CM-Agent)
- 3) Construction Manager at Risk (CM at Risk)
- 4) Design-Build (D/B)
- 5) Competitive Bidding
- 6) Job Order Contracting (JOC)

13.1 The Construction & Planning Manager will decide which procurement method is to be used for each project. Each procurement method has its advantages and therefore the procurement method must be tailored to the specific needs of each project.

13.2 An evaluation team is the implementing structure for all of the procurements with the exception of the competitive bidding process.

The evaluation team used to review all proposals and submittals will be comprised of the following individuals:

C/P Manager	Chairman
Construction Coordinator	Member
C/P Project Inspector	Member
HUB Coordinator/Purchasing Agent	Member
Architect/Engineer	Member

The following individuals shall act as advisors to the Committee:

Physical Plant Directors	Adviser
PVAMU Environmental Officer	Adviser
PVAMU Purchasing Agent	Adviser

Alternate committee members shall be available as needed in order to provide full committee involvement in the event of a committee member's absence. Alternate members will include the following individuals:

Physical Plant Managers	Alternate
PVAMU Contract Office	Alternate

13.3 The **Competitive Sealed Proposal (CSP)** method of contract delivery has proven to be very successful for the System. The CSP process provides for the project to be designed in the customary manner by an A/E team selected by the PVAMU SRTR Committee with full participation and the User.

13.3.1 C&P will prepare a POR as outlined in Article VIII.

13.3.2 C&P will initiate the project A/E selection recommendation process as detailed in Item 9.3.

13.3.3 C&P will prepare an agenda item for presentation to F&A and action by the CEO for the approval of the POR, approval of the order of ranking for the project A/E, the appropriation of funds to complete the project design and receive bids/proposals.

13.3.4 C&P will negotiate the terms, fee, and reimbursable schedule for the A/E contract as outlined in Items 9.8 through 9.11.

13.3.6 The C&P Manager (APM) will prepare and process design approval memorandum for preliminary design and one for detailed design with a Code C and a Code D cost estimate respectively to the using institution/agency for execution by the User Coordination and administrative personnel.

13.3.6.1 These memoranda and cost estimates are then routed through the C&P Office and the Vice President, Administration & Auxiliary Services for final approval.

13.3.6.2 The preliminary design approval also requires approval by the Vice President.

13.3.6.3 The Construction & Planning Manager will also "sign-off" on the project drawing cover sheet.

- 13.3.16 The C&P Manager, as Chair of the CSP Evaluation Committee, will publish a schedule of activities including the bid/proposal opening, the evaluation of proposal Parts I through V, order ranking of proposals, value engineering process and contract award process.
- 13.3.20 C&P Office has chosen to assign weighted value to the objective criteria (price and time) as a separate category from the subjective criteria items. A formatted version of a ranked order score sheet is attached.
- 13.3.21 The ranked order score sheet, a basic bid tabulation sheet without award recommendation of alternates is processed through the C&P Office to the Vice President, Administration & Auxiliary Services by a ranked order recommendation memorandum from the Construction & Planning Manager.
- 13.3.22 Approval of the ranked order recommendation by the University, CEO allows the proposers to be notified of the ranked order. The firm ranked first will be contacted to advise them of the schedule to commence the value engineering (V/E) process.
- 13.3.26 The following items must be accomplished prior to a contract award recommendation being forwarded to the University CEO:
- a. The User Coordinator, in conjunction with C&P shall determine which alternates, can be chosen within the project budget.
- 13.3.27 when the foregoing tasks are completed, a construction contract award recommendation memorandum and attachments are submitted by the C&P Manager and the Vice President, Administration & Auxiliary Services through Business Affairs to the University CEO for approval.
- a. Bid Tabulation and Contract Award (Form C-10), executed by the C&P Manager, with a supporting tabulations of bids showing the recommended selection of alternates and the total amount of the V/E items to be considered in the award of contract, and
  - b. A request for Construction Project and Appropriation (Form C-1) executed by the using institution/agency and C&P Office.

- 13.5 The **Construction Manager at Risk (CM-R)** is a true hybrid among the various methods of contract delivery. The CM-R contractor participates in the project design phase if desired by the Owner, in the bidding of the various scope packages and also serves in the capacity of a general contractor by self performing some work and subcontracting the remaining work.
- 13.5.1 As in the cases of D/B and CM-A, the C&P Manager prepares the POR in conjunction with the User Coordinator for presentation to the Committee.
- 13.5.2 During the preparation of the POR, C&P will initiate the A/E selection process, as fully described in Article IX for recommendation to the CEO.
- 13.5.3 Approval action to the CEO includes the POR, the selection of the A/E design team and the appropriation of funds for design.
- 13.5.7 When the overall project design has processed sufficiently that the CM-R contractor can adequately submit a GMP for the complete project, taking into account any previous GMP's accepted for accelerated scope packages, the CM-R contractor shall submit this cost data to C&P for approval recommendation to the CEO.
- 13.5.10 All bids will be evaluated jointed by the CM-R contractor and C&P personnel.
- 13.6 The **Design-Build (D/B)** method is based on the premise that TAMUS or its Components will contract with a single entity that is responsible for all phases (design and construction) of the project.
- 13.6.1 C&P prepares a POR as outlined in Article VIII.
- 13.6.2 In conjunction with the preparation of the POR, the C&P will develop the Request for Qualifications (RFQ) document to be distributed to prospective D/B firms.
- 13.6.3 C&P will advertise in accordance with System Policy 51.01 State Electrical Business Daily for D/B firms to submit a statement of interest and qualifications to provide D/B services for the project.

- 13.6.4 C&P will present the completed POR to the User, Physical Plant Director & Vice President of University Operations.
- 13.6.4.1 The presentation to the A&A will include a request that the CEO be delegated the authority to select the D/B firm based on the ranked order recommendation of the evaluation committee defined in this Article.
- 13.6.5 Following approval of the POR by the CEO and granted authority to C&P Manager to select the D/B firm, C&P will convene an RFQ evaluation team to review and select not more than five (5) D/B firms, as limited by statute, to participate in the RFP selection phase. These are the short-listed firms.
- 13.6.6 C&P develops the RFP package.
- 13.6.7 C&P distributes an RFP package to the short-listed D/B firms. Responses are generally due not more than two weeks following distribution of the RFP.
- 13.6.8 After receipt of the RFP responses from the short-listed firms, C&P convenes the evaluation committee to review each D/D firm's proposed approach, team experience and other data submitted.
- 13.6.11 C&P prepares a letter of recommendation to A&A identifying the ranked order of preference for the CEO approvals.
- 13.6.12 After approval by the CEO, C&P notifies all RFP respondents of the approved ranked order. The D/B firm ranked first is notified and a meeting scheduled to proceed with negotiations for a D/B contract.
- 13.6.14 C&P schedules the design initiation meeting with the User Coordinator and the entire selected D/B team.
- 13.6.19 When the overall project design has progressed to the point that the D/B contractor can adequately submit a GMP for the complete project, taking into account any previous GMP's accepted for accelerated packages, the D/B contractor shall submit cost data to C&P for approval recommendation to the CEO.
- 13.6.21 A disadvantage of D/B is that in order to effectively use the expeditious schedule capabilities of this method, the time required for decisions is critical. Therefore, lengthy pondering and re-visiting earlier decisions are self-defeating. A solution is to authorize more decisions to C&P.